

PARTIAL TRANSCRIPT OF JURY TRIAL - DAY 2  
HONORABLE JUDGE JAMES P. JONES PRESIDING  
TUESDAY, APRIL 30, 2019

## APPPEARANCES

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25 Proceedings taken by Certified Court Reporter and transcribed  
using Computer-Aided Transcription

Donna Prather, CCR, RPR, CCP, CCB  
Official Court Reporter for the U.S. District Court Western District of Virginia

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270-628-5120

1 (Requested transcript of Deborah Reynolds only of the  
2 proceedings commenced at 3:30 p.m.)

3 MR. RAMSEYER: The Government calls Deborah  
4 Reynolds.

5 THE CLERK: Please raise your right hand.

6                   Do you solemnly swear that the testimony you're  
7 about to give in this case shall be the truth, the whole  
8 truth, and nothing but the truth, so help you God?

9 | THE WITNESS: Yes.

10 THE CLERK: You may be seated.

11 | DEBORAH REYNOLDS,

12      Called as a witness herein by the Government, having been  
13      first duly sworn, was examined and testified as follows:

## **DIRECT EXAMINATION**

15 BY MR. RAMSEYER:

16 Q. Ma'am, please state your name.

17 A. Deborah Reynolds.

18 THE COURT: Ms. Reynolds, you're going to have to  
19 speak up.

20 THE WITNESS: Okay.

23 THE WITNESS: Okay. Deborah Reynolds.

24 MR. RAMSEYER: Your Honor, one thing I forgot to  
25 bring up with the Court. We would ask that the prescriptions

1 of the patient files be kept under seal. I should have  
2 mentioned that because they have patient-identifying  
3 information in those, both of those things, the files and the  
4 prescriptions.

5 THE COURT: All right. Well, I'm going to discuss  
6 with counsel when we finish about the custody of the exhibits  
7 until the trial is concluded, so we'll talk about that.

8 MR. RAMSEYER: Thank you, Your Honor.

9 BY MR. RAMSEYER:

10 Q. I'm sorry, ma'am. Your name is Deborah Reynolds; is that  
11 correct?

12 A. Yes.

13 Q. What city and state do you live in?

14 A. Pikeville, Kentucky.

15 Q. Pikeville, P-i-k-e?

16 A. Yes.

17 Q. All right. And, ma'am, have you ever seen Dr. Smithers  
18 here as a patient?

19 A. No.

20 Q. Do you know a Darryl Williams?

21 A. Yes.

22 Q. And how do you know Darryl Williams?

23 A. That is my ex-husband.

24 Q. How long ago did he become your ex-husband? Or what year  
25 did he become your ex-husband? Let me ask it that way.

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1 A. It's been 16, 17 years ago, or longer.

2 Q. Okay.

3 A. I'm not --

4 Q. Okay. So somewhere in maybe 2000, 2005, somewhere in  
5 there?

6 A. We -- we separated -- 16, 17 years ago, then we were  
7 divorced maybe a year later. I'm not sure exactly what year  
8 it was.

9 MR. RAMSEYER: Okay. If we could show DR-717,  
10 please, it's been previously admitted.

11 BY MR. RAMSEYER:

12 Q. All right. Do you see there on the screen exhibit  
13 DR-717? Do you see it, ma'am?

14 A. Mm-hmm.

15 Q. Is that a "yes"?

16 THE COURT: If you'll answer "yes" or "no".

17 THE WITNESS: Yes.

18 BY MR. RAMSEYER:

19 Q. Up here it's got some information. It's got Deborah E.  
20 Reynolds; is that your name? It's got your date of birth, I'm  
21 not going to read it out loud, but is that your date of birth?

22 A. Yes.

23 Wait a minute.

24 Q. I'm sorry?

25 A. You marked over it.

1                   Yes.

2   Q.    All right.  So this is a prescription from Dr. Smithers  
3   in your name for, if you look down here, 90 oxycodone pills  
4   dated October 15th of 2015.  Did you ever get that?

5   A.    No.

6   Q.    Did you ever go to the doctor to ask for this or --

7   A.    No.

8                   MR. RAMSEYER:  All right.  If you'd go to the next  
9   exhibit, DR-718.

10   BY MR. RAMSEYER:

11   Q.    All right.  Same thing.  Is that you?  In terms of the  
12   patient name, the date of birth, is that your information?

13   A.    Yes.

14   Q.    And it's dated October 15th of 2015.  It's for  
15   oxymorphone, 90 pills.  Same question.  Did you go to the  
16   doctor to get that?

17   A.    No.

18   Q.    Did you see the doctor to get this prescription?

19   A.    No.

20                   MR. RAMSEYER:  We can go to 719, please.

21   BY MR. RAMSEYER:

22   Q.    This is November 23rd, 2015.  Again, is that your  
23   identifying information as the patient?

24   A.    Yes.

25   Q.    And it's for 60 oxycodone pills as needed for

1 breakthrough pain. Did you go to the doctor's office to get  
2 that?

3 A. No.

4 Q. Did you fill these prescriptions?

5 A. No.

6 MR. RAMSEYER: If we could go to DR-720, please.

7 BY MR. RAMSEYER:

8 Q. This is another prescription for November 23rd. Again,  
9 is that your name?

10 A. Yes.

11 Q. And it's for 90 oxymorphone pills. Again, did you go to  
12 the doctor's office to get this?

13 A. No.

14 Q. And did you fill that?

15 A. No.

16 MR. RAMSEYER: If we can go to DR-721.

17 BY MR. RAMSEYER:

18 Q. It says, "January 6 of 2016." Again, is that your  
19 identifying information?

20 A. Yes.

21 Q. And it's for 45 oxycodone, 20-milligram. Did you see the  
22 doctor to get that?

23 A. No.

24 Q. And did you fill it?

25 A. No.

1 MR. RAMSEYER: Go to DR-722.

2 BY MR. RAMSEYER:

3 Q. It says, "For: Oxymorphone, 40 milligrams, 60 pills."

4 Is that your identifying information there?

5 A. Yes.

6 Q. And did you go to the doctor to get this?

7 A. No.

8 Q. And did you fill it?

9 A. No.

10 MR. RAMSEYER: DR-723.

11 BY MR. RAMSEYER:

12 Q. It's February 3rd of 2016. It says, "Earliest fill date  
13 February 28th of 2016." Do you see that up here?

14 A. Mm-hmm.

15 Q. Did you go to the doctor to get that prescription?

16 A. No.

17 Q. And did you fill it?

18 A. No.

19 Q. That's for oxycodone, 20 milligrams, 30 tablets; correct?

20 Is that what you said?

21 I need you to answer out loud. Can you see it?

22 A. I see it, yes.

23 MR. RAMSEYER: Okay. If we can go to DR-724.

24 BY MR. RAMSEYER:

25 Q. This is February 3rd of 2016. Again, for Deborah

1       Reynolds. Do you see that?

2       A. I don't see my name.

3       Q. Right here.

4       A. Oh, okay. Yeah. I see it now.

5       Q. Okay. And it's February 3rd, 2016. It's for 60  
6       oxymorphone tablets, 40 milligrams. Did you see the doctor to  
7       get those?

8       A. No.

9       Q. And did you fill them?

10      A. No.

11      Q. So that's prescriptions in October, November, January,  
12      and February.

13           Now, have you ever been to Smithers Healthcare in  
14       Martinsville?

15      A. No.

16      Q. Have you ever been to Martinsville, Virginia?

17      A. No, I don't think so.

18      Q. All right. Now I want to show you what we marked as  
19       Exhibit DR. And these are some records found in  
20       Dr. Smithers's office. And I'd just ask, as you look at that,  
21       on page 1 of the exhibit, was that your address back in '15?

22      A. Yes.

23           MR. RAMSEYER: Okay. And if we could go to the next  
24       page, please.

25           If we could go to the next page, please. Page 3.

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1 Next page, page 4.

2 Actually, can we go back to 3, please.

3 Blow that up, please.

4 BY MR. RAMSEYER:

5 Q. So this is a handwritten note. It says, "Rachel Miller,  
6 Pam Harlow, Deborah Reynolds, dollars owed, DW-300, DR-450,  
7 RM-300, PH-300." Did you go to the doctor's office --

8 A. No.

9 Q. -- on October 15th? And did you owe any money as far as  
10 you knew?

11 A. No.

12 MR. RAMSEYER: Okay. Next page, please.

13 BY MR. RAMSEYER:

14 Q. Okay. And that's the prescription. We've already gone  
15 through one of them. DR-5, another prescription. DR-6,  
16 another prescription. DR-7, prescription. DR-8, another  
17 prescription. DR-9, another prescription. Ten is another  
18 prescription, 11 is a prescription, and 12 is a prescription.

19 MR. RAMSEYER: All right. Now, if we go to DR-2,  
20 which is the other files found. If we can go to page 2 of  
21 that, please.

22 All right. Prescription. Go on. You can just  
23 scroll through that, that's page 3, page 4, page 5, page 6,  
24 page 7, page 8, page 9, page 10.

25 BY MR. RAMSEYER:

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1 Q. All right. That first page where it's got that, "request  
2 for information from BACTES," do you know where that came  
3 from?

4 A. I probably requested my information, if that's for me.

5 Q. Well, it's from BACTES Security Compliance Trust dated  
6 September 14, 2015. It's addressed to you. Do you know how  
7 that got in Dr. Smithers's office is what I'm asking?

8 A. My ex-husband has a copy of my license and this because I  
9 did have a car accident, and I did need to see a doctor at one  
10 time. And he told me he knew a good doctor, and I give him  
11 this. But I never went to a doctor. And, I mean, after  
12 that -- I mean, I never went to a doctor period, so, I mean.

13 Q. Right. Had you ever gone to Dr. Smithers, the gentleman  
14 that's sitting over here?

15 A. No. No. And, I mean, I just thought he threw this away.  
16 He never gave it back to me.

17 Q. You're talking about Darryl? You're talking about Darryl  
18 Williams?

19 A. Yes.

20 MR. RAMSEYER: Can I have a moment, Your Honor?

21 Thank you, ma'am. That's all my questions.

22 THE COURT: All right. Cross-examination.

23 **CROSS-EXAMINATION**

24 BY MR. WILLIAMS:

25 Q. Ms. Reynolds, have you ever spoken to Dr. Smithers on the

1 phone?

2 A. Not that I know of. I mean --

3 Q. Okay. You don't recall a conversation maybe on November  
4 23rd of 2015 where you might have spoke with him for about 40  
5 minutes on the phone relating some information?

6 A. I told the marshals when they came into my house there  
7 was a phone call where a gentleman called me and said that he  
8 was a doctor, he wanted me to invest in a pharmacy.

9 Q. Okay.

10 A. And before I could stop him, he went on maybe five  
11 minutes into a sales pitch. And then I -- when he stopped, I  
12 said no, I wouldn't be interested in it. You know, my husband  
13 has people to invest. And, you know, I don't have anything to  
14 invest.

15 Q. Your phone number, is it still area code 606-422-8680?

16 A. Yes. Yes, it is.

17 Q. Did you -- does anybody else have your phone or anything?  
18 You keep it on you all the time?

19 A. No, I keep it on me.

20 THE COURT: Is that a cell phone?

21 THE WITNESS: That's a cell phone.

22 BY MR. WILLIAMS:

23 Q. Do you recall texting Dr. Smithers anything about an  
24 appointment or setting up an appointment?

25 A. I don't recall, but I don't think I did. I mean, I don't

1 recall. I remember someone calling me wanting me to invest.  
2 But, no. No, I don't.

3 Q. Okay. There was a text message on Dr. Smithers's phone  
4 on 3-15-16 that was from area code 606-422-8680 --

5 A. That is my number.

6 Q. -- and said, Deborah Reynolds said, "I think need to  
7 schedule an appointment and come see you." Would that be you?

8 A. I did give my husband my information and I was going to  
9 see a doctor, but I never seen him, okay.

10 Q. Do you agree --

11 THE COURT: Wait. Wait. Wait. You can't both talk  
12 at the same time.

13 THE WITNESS: If that was on there, I was looking  
14 for a doctor, I could have done that, but I don't remember,  
15 it's been so long. But I -- if I scheduled an appointment, I  
16 did not see him. I did not follow through with it.

17 BY MR. WILLIAMS:

18 Q. Okay.

19 A. Okay.

20 Q. But you do agree that you probably had contact with him?

21 A. I could have --

22 Q. Okay.

23 A. -- scheduled an appointment because, I mean, I --

24 Q. Okay. But you don't recall a 40-minute conversation  
25 where you told him you needed medication or anything --

1 A. No.

2 Q. -- in November of--

3 A. I never talked to anyone and told them I needed  
4 medication on the phone.

5 Q. Okay. You didn't say anything about an emergency --

6 A. No.

7 Q. -- or anything to that respect?

8 A. No, I did not.

9 Q. You gave your records and your MRIs to Darryl; is that  
10 correct?

11 A. I had a disk with my medical records and my license, and  
12 he was going to schedule me an appointment. But I never,  
13 never kept no appointment.

14 Q. Okay. Where you didn't recall having the text messages,  
15 is it entirely possible you don't recall the phone  
16 conversation?

17 A. If I would have talked to someone about my medical  
18 condition on the phone, I would have remembered that, yes. I  
19 did not.

20 Q. You didn't talk to him about having chronic pain --

21 A. No.

22 Q. -- or past surgeries or any kind of medical history or  
23 anything?

24 A. (Shakes head.) No, I would never talk to anyone over the  
25 phone about that. I would have -- if I would have wanted to

1 seen him, I would have scheduled an appointment. And I could  
2 have scheduled an appointment, I don't remember. But I never  
3 followed up with an appointment.

4 THE COURT: Well, how would you have known about  
5 Dr. Smithers in order to get -- schedule an appointment?

6 THE WITNESS: My ex-husband told me he knew a doctor  
7 that would see me if I needed a doctor, and I gave him my  
8 information, and he was going to schedule me an appointment.  
9 But I never kept my appointment.

10 BY MR. WILLIAMS:

11 Q. And you never spoke with him at any point in time?

12 A. I could have spoke to him on the phone. But I did not  
13 speak to him about any of my illnesses. I did not do that. I  
14 could have spoke to him, maybe trying to schedule an  
15 appointment -- no, I didn't speak to him on the phone about an  
16 appointment. I spoke to someone about they wanted me to  
17 invest in a pharmacy. But I never spoke to no one about any  
18 illnesses I had.

19 Q. And you're 100 percent certain of that?

20 A. I am, yeah. I never spoke to no doctor on the phone  
21 about my illnesses.

22 Q. Okay. Never talked to Dr. Smithers on November 23rd?

23 A. I could have talked to him. But, I mean, I talked to a  
24 doctor about investing, not about any medical, no.

25 MR. WILLIAMS: May I have just a moment, Judge?

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1                   THE WITNESS: No. I'm not -- hmm-hmm.

2 BY MR. WILLIAMS:

3 Q. You were going to seek -- to find a doctor; is that  
4 correct?

5 A. I needed a doctor, yes.

6 Q. And what was that condition for?

7 A. I had a car accident.

8 Q. Car accident. And that was in when?

9 A. I don't remember, it's been a while.

10 Q. Okay. Back before 2010 or...

11 A. I don't remember.

12 Q. You don't remember. Okay.

13                   And what were you looking to see a doctor for?

14 A. I had injections that I would take in my neck.

15 Q. Okay. And was that from the motor vehicle accident?

16 A. Mm-hmm.

17 Q. Okay. And the injections had not worked; is that  
18 correct?

19 A. No, they did work.

20 Q. They did work? Okay.

21 A. Mm-hmm.

22 Q. If they were working, why were you seeing -- trying to  
23 find another doctor?

24 A. The doctor where I went was closing.

25 Q. Okay. Well, now, do you have chronic, either neck or

1 back pain? Do you suffer from anything --

2 A. I don't now. I'm healed now pretty much. I use warm  
3 compresses and cold, back and forth. But, I mean, I struggle  
4 daily, but, I mean, I don't take no medicine or nothing. I  
5 don't have any injections anymore.

6 Q. Okay. And you're certain you did not speak with  
7 Dr. Smithers about --

8 MR. RAMSEYER: Your Honor, this has been asked and  
9 answered a few times.

10 THE COURT: Yes, sir. I think we've exhausted that  
11 question.

12 MR. WILLIAMS: No further questions.

13 THE COURT: Anything further?

14 MR. RAMSEYER: No, Your Honor.

15 THE COURT: All right. Thank you, ma'am.

16 You may step down.

17 (Testimony of Deborah Reynolds concluded at 3:48 p.m.)

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## **REPORTER'S CERTIFICATE**

I, DONNA J. PRATHER, do hereby certify that the above and foregoing, consisting of the preceding 17 pages, constitutes a true and accurate transcript of my stenographic notes and is a full, true and complete transcript of the proceedings to the best of my ability.

Dated this 23rd day of May, 2019.

DONNA J. PRATHER, RPR, CRR, CBC, CCP  
Federal Official Court Reporter

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